

## Management

9. Historic Sites Act of 1935
10. Endangered Species Act of 1973
11. Executive Order 11990, Protection of Wetlands
12. Executive Order 13112, Invasive Species
13. Fish and Wildlife Coordination Act of 1934, as amended
14. Migratory Bird Treaty Act of 1918, as amended
15. Title VI of the Civil Rights Act of 1964, as amended
16. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
17. National Historic Preservation Act of 1966, as amended
18. Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act)
19. Farmland Protection Policy Act of 1994
20. Americans with Disabilities Act (ADA), 1990
21. Rehabilitation Act, Section 504
22. Comprehensive Environmental Response, Compensation and Liability Act of 1980
23. Resource Conservation and Recovery Act of 1976
24. Occupational Safety and Health Act of 1970
25. Toxic Substances Control Act of 1976
26. Executive Order 12088, Federal Compliance with Pollution Control Standards

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: February 2, 2021.

**Rodney Whitfield,**

*Director, Financial Services, Federal Highway Administration, California Division.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2020-0096]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a letter dated December 14, 2020, Brightline West (Brightline) petitioned the Federal Railroad Administration (FRA) for a waiver from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 221, 229, 231, and 238, and an exemption from certain requirements of chapter 203, title 49 of the United States Code (U.S.C.). FRA

assigned the petition Docket Number FRA-2020-0096.

Brightline's requests for relief relate to its planned operation of new high-speed trainsets on a new high-speed rail line between Victorville, California, and Las Vegas, Nevada. Brightline indicates that the fully electric trainsets will be capable of operating up to 186 miles per hour. Further, Brightline indicates that Siemens Mobility will manufacture eight trainsets (referred to as "Valero Trainsets"), and Brightline will have the option of ordering an additional twelve. Manufacturing of the Valero Trainsets is scheduled to start in January 2022 in the Siemens plant in Krefeld, Germany, with a planned delivery of the trains to the United States for testing in April 2023. The projected start of passenger service is March 2024.

According to Brightline, the subject rail corridor will be built within the right-of-way of Interstate Highway 15 and will be electrified, thus ensuring the rail line can operate in an energy efficient and sustainable manner. Because the infrastructure will be built and operated as a dedicated right-of-way, Brightline further indicates that no mixed traffic with Tier I or II passenger trains will occur and the rail corridor will have no public highway-rail nor rail-rail at-grade crossings. FRA also understands that no freight traffic will be moved on the track.

Brightline indicates that the Valero Trainsets will be built to FRA's existing Tier III passenger equipment safety standards, codified under 49 CFR part 238, subpart H, and will meet certain consensus recommendations from the Railroad Safety Advisory Committee (RSAC) to FRA related to high-speed passenger equipment (those consensus recommendations to FRA are attached as Annex A to Brightline's waiver petition). Accordingly, Brightline's waiver request asks FRA to waive the existing applicable regulatory requirements of 49 CFR parts 221, 229, 231, and 238, and instead apply to the Valero Trainsets, the alternative standards outlined in the referenced RSAC recommendations.

Brightline also specifically requests that FRA waive the requirements of 49 CFR 238.112 related to door emergency egress and rescue access systems and approve an alternative solution proposed in its waiver request.

Finally, Brightline requests that FRA exercise its authority under 49 U.S.C. 20306 (Section 20306) to exempt the Valero Trainsets from the requirement of 49 U.S.C. 20302 (Section 20302), which mandates that railroad vehicles be equipped with (1) secure sill steps and an efficient hand brake; (2) secure

grab irons or handholds on the vehicle's ends and sides for greater security to individuals coupling and uncoupling the vehicle; and (3) the standard height of drawbars. *See* 49 U.S.C. 20302(a)(1)(B), (a)(2), and (a)(3).

In support of its request for relief, Brightline asserts that the Valero Trainsets have specific technologically advanced features that justify an exemption from Section 20302. First, Brightline notes that individual units in the trainset cannot be uncoupled except within a maintenance facility, protected by blue signal rules, and under the direction of trained maintenance personnel. This eliminates the need for train crews to perform traditional "switching" operations. Second, for the trainset's ends, which may be coupled to another trainset during regular service in double traction mode or during an emergency rescue operation, Brightline indicates there is a fully automatic coupler with a remote-controlled uncoupling mechanism in the operating cab, providing electric and pneumatic connections, making uncoupling levers unnecessary. Third, as it is not required for a person to step between the vehicle's end to connect jumper cables or air hoses, end handholds are not needed. Finally, because there are operating cabs on both ends of the trainset, "reverse moves" are performed with a conductor or brakeman riding inside the opposite, or non-controlling, cab and not riding the exterior of the trainset.

Section 20306 authorizes FRA to exempt rail equipment from the requirements of 49 U.S.C. chapter 203, including Section 20302, when those requirements "preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law." Section 20306 requires FRA to base any such exemption on either (1) findings developed at a hearing; or (2) an agreement between labor and the developer of the equipment.

As Brightline indicates in its Petition, FRA has previously held Section 20306 hearings for equipment substantially similar to the Valero Trainsets.<sup>1</sup> The equipment was also proposed to be operated in substantially similar operating environments to that which Brightline proposes in this docket.<sup>2</sup> Accordingly, Brightline asserts that no new information on the Valero

<sup>1</sup> *See* FRA Docket Nos. FRA-2019-0066 (Amtrak) and FRA-2019-0068 (Texas Central Railroad (*see also* 85 FR 69700 (Nov. 3, 2020)). Both FRA dockets are available for review on [www.regulations.gov](http://www.regulations.gov).

<sup>2</sup> *Id.*

Trainset's safety appliances could be gathered from another public hearing. As a result, FRA finds that holding a public hearing under Section 20306 in response to Brightline's current exemption request is not necessary and FRA intends to rely on the findings from these previous hearings when considering Brightline's current exemption request.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. Although, for the reasons discussed above, FRA does not anticipate scheduling a public hearing, if any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12-140, Washington, DC 20590.

Communications received by March 22, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2021-02365 Filed 2-4-21; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2005-21179]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on December 3, 2020, Union Pacific Railroad Company (UPRR) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 229, Railroad Locomotive Safety Standards, and part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices. FRA assigned the petition Docket Number FRA-2005-21179.

Specifically, UPRR requests to extend its relief from 49 CFR 229.49, *Main reservoir systems*, and 49 CFR 232.103, *General Requirements for All Train Brake Systems*, for locomotives having a safety valve on the main reservoir, which prevents accumulation of more than 25 psi above maximum working pressure. UPRR states it has been operating under the requirements set forth in this waiver for 15 years and has found no adverse effect on the safety of operations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12-140, Washington, DC 20590.

- **Hand Delivery:** 1200 New Jersey Ave. SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 22, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### FEDERAL RESERVE SYSTEM

#### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Joint notice and request for comment.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the OCC, the Board, and the FDIC (the agencies)